

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**DO NO HARM, a nonprofit corporation**  
**Incorporated in the State of Virginia**

**Plaintiff,**

**v.**

**WILLIAM LEE, in his official capacity as**  
**Governor of the State of Tennessee,**

**Defendant.**

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**Case No. 3:24-cv-01334**  
**Chief Judge Campbell**

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**JOINT MOTION TO STAY PROCEEDINGS**

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On December 18, 2024, Attorney General Jonathan Skrmetti certified to the Speakers of the House of Representatives and the Senate that the State could not defend the constitutionality of Tenn. Code Ann. §§ 8-1-111, 63-4-102(c), and 63-6-102(c) under the Supreme Court’s decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023). Tennessee law provides a statutory process for certifying indefensible laws to the legislature. Therefore, all parties respectfully move this Honorable Court to stay proceedings for thirty (30) days to allow that process to reach its conclusion.

Tenn. Code Ann. § 8-6-109(b)(9) requires the Attorney General “[t]o defend the constitutionality and validity of all legislation of statewide applicability” unless “the attorney general and reporter [sic] is of the opinion that such legislation is not constitutional, in which event the attorney general and reporter [sic] shall so certify to the speaker of each house of the general assembly.” Then, “the speakers, acting jointly, may employ legal counsel to defend the

constitutionality of such law.” *Id.* § 8-6-109(c). That decision is made independently of the Attorney General. *See id.*

Because the Attorney General currently represents Governor Lee in this action and the Attorney General is “of the opinion that such legislation is not constitutional,” the parties respectfully request all proceedings be stayed pending the decision of both Speakers to either take legislative action or employ outside counsel to defend the constitutionality of Tenn. Code Ann. §§ 8-1-111, 63-4-102(c), and 63-6-102(c).

### **CONCLUSION**

WHEREFORE, all parties respectfully move this Honorable Court to stay proceedings for thirty (30) days pending the conclusion of the legislature’s decision-making process.

Respectfully submitted,

JONATHAN SKRMETTI  
Attorney General and Reporter

s/ Andrew Grams

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## CERTIFICATE OF SERVICE

I certify that the foregoing Notice was filed electronically on December 19, 2024. A true and correct copy of that filing was forwarded on the same day via the Court's CM/ECF system upon the following:

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